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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 220 OF 2007

Vinod S. Gurav . . . Applicant

Vs.

The State of Maharashtra . . . Respondent

Mr. R. S. Kate, Advocate for the applicant.

Ms. R.M. Gadhvi, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. Kate, the learned counsel for the applicant and Ms. Gadhvi, learned APP for the State. The applicant seeks to be released on bail in Crime No. 430 of 2006 registered with Rabale police station, Navi Mumbai, for the offences punishable under S. 399, 402 and S. 4, 25 of the Arms Act.

2. Prosecution case is that information was received at the police station 12-12-2006 at about 3 p.m. that five persons had made preperation to commit dacoity on the petrol pump near Ghansoli railway station. Accordingly a trap was arranged. Firstly, two persons came on motor cycle and thereafter 3 more persons came. Then one of them said "Chalo Kam Karenge" and they proceeded towards petrol pump. Near the petrol pump, police staff encircled them , but two of them succeeded in escaping, while 3 persons,

including the present applicant, were caught. From the present applicant, one big knife or "Khanjir" (dagger) was recovered under the panchanama. The learned APP Ms. Gadhvi on instructions makes statement that there are no adverse antecedents against the present applicant. The order passed by the learned Additional Sessions Judge while rejecting the application of the present applicant reveals that there was some discrepancy in the hand written FIR and computerised FIR about recovery of "Khanjir" from the present applicant. In these circumstances, I find that it is a fit case to grant bail.

3. Applicant be released on his executing P.R. bond of Rs. 10,000/- with one surety in the like amount, on the condition that he shall not mis-use the ball and shall attend police station once in a month, till the end of the trial.

Sd/-
[J. H. BHATIA, J.]